

<b>TO:</b> Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450 or Commissioner of Trademarks P.O. Box 1451 Alexandria, VA 22313-1451	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Colorado on the following

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT	
<b>08-cv-01523-REB-KMT</b>	<b>7/21/2008</b>	<b>FOR THE DISTRICT OF COLORADO</b>	
<b>PLAINTIFF</b>		<b>DEFENDANT</b>	
TRENT WEST		SHANE, CO.	
<b>PATENT OR</b>		<b>DATE OF PATENT</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>
1 <i>7,076,972</i>			Please see copy of Complaint attached hereto
2 <i>6,928,734</i> <sup>§1</sup>			
3 <i>6,990,736</i> <sup>§2</sup>			
4 <i>7,032,314</i> <sup>§2</sup>			
5			

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY			
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
<b>PATENT OR</b>		<b>DATE OF PATENT</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>	
1				
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	
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CLERK	(BY) DEPUTY CLERK	DATE
GREGORY C. LANGHAM		

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

2008 JUL 21 PM 1:16

GREGORY C. LANGHAM  
CLERK  
- Km -

BY \_\_\_\_\_ DEP. CLK

Civil Action No. '08 - CV - 01523 - Rep

TRENT WEST, a California resident,

Plaintiff,

v.

SHANE, CO., a Colorado corporation,

Defendant.

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### **COMPLAINT AND JURY DEMAND**

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Plaintiff Trent West ("West"), through his counsel, hereby alleges the following for his Complaint against Defendant Shane Co. ("Shane Co."):

#### **THE PARTIES**

1. Plaintiff West is an individual residing in California.
2. Defendant Shane Co. is a Colorado company having its principal place of business at 9200 E. Mineral Ave., #200, Centennial, Colorado 80112, and is doing business in this District.

#### **JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(c) because federal question jurisdiction is proper and Shane Co. is a corporation and under 1400(b) because Shane Co. resides in and has committed acts of infringement in the District of Colorado and personal jurisdiction is proper in this District.

## FACTS

5. Plaintiff, Trent West, learned the craft of jewelry design and jewelry manufacture by apprenticing for his grandfather who was a successful and accomplished jewelry designer in Southern California. Mr. West opened his own jewelry studio in 1970. After years of success in the design and manufacturer of gold and platinum jewelry rings, Mr. West in the late 1990's started investigating how to utilize the unique esthetic and durability properties of tungsten carbide in jewelry rings. He applied for his first tungsten carbide jewelry ring patent in 1998, and has been awarded seven patents for his innovations in the use of tungsten carbide for jewelry rings.

6. Mr. West's first sale of a tungsten carbide ring was in 1999. By 2002, Mr. West was being recognized by the jewelry industry for having pioneered the development for a previously unrecognized market for tungsten carbide jewelry rings. Despite industry-wide recognition that Trent West invented the tungsten carbide jewelry ring market, and despite U.S. Patents protecting Mr. West's inventor's rights, Shane Co. has chosen to infringe certain of Mr. West's tungsten carbide jewelry ring patents by selling the tungsten carbide rings of, *inter alia*, Crown Ring, Inc. and Tosyali International, Inc. (d/b/a Benchmark).

7. Shane Co. operates jewelry stores throughout the United States, including at least 2 in this District. Shane Co. also maintains and operates a web-site at <http://www.shaneco.com> where it offers its products for sale to consumers "on-line" via the internet. Through its stores and web-site, Shane Co. offers for sale numerous jewelry products, including tungsten carbide jewelry rings.

## COUNT I

### **(Infringement of U.S. Patent No. 7,076,972 B2)**

8. West repeats and realleges each and every allegation of paragraphs 1 - 7 of this Complaint as though fully set forth herein.

9. West is the owner of U.S. Patent No. 7,076,972 ("the '972 patent"), entitled "Jewelry Ring and Method of Manufacturing Same," with full rights in and to the claims and causes of action involved in this suit. A true and correct copy of the '972 patent is attached hereto as Exhibit A.

10. Shane Co. has been infringing the '972 patent, in this District and elsewhere in the United States, by making, using, selling, offering for sale and/or importing tungsten carbide rings covered by the '972 patent.

11. West alleges on information and belief that Shane Co.'s infringement of the '972 patent has been willful and deliberate, without license, and with full knowledge of West's patent rights.

12. Unless restrained or enjoined by this Court, Shane Co. will continue its acts of infringement, and the resulting damages to West will be substantial, continuing, and irreparable.

**COUNT II**

**(Infringement of U.S. Patent No. 6,928,734 B1)**

13. West repeats and realleges each and every allegation of paragraphs 1 - 7 of this Complaint as though fully set forth herein.

14. West is the owner of U.S. Patent No. 6,928,734 ("the '734 patent"), entitled "Jewelry Ring and Method of Manufacturing Same," with full rights in and to the claims and causes of action involved in this suit. A true and correct copy of the '734 patent is attached here as Exhibit B.

15. Shane Co. has been infringing the '734 patent, in this District and elsewhere in the United States, by making, using, selling, offering for sale and/or importing tungsten carbide rings covered by the '734 patent.

16. West alleges on information and belief that Shane Co.'s infringement of the '734 patent has been willful and deliberate, without license, and with full knowledge of West's patent rights.

17. Unless restrained or enjoined by this Court, Shane Co. will continue its acts of infringement, and the resulting damages to plaintiff will be substantial, continuing, and irreparable.

**COUNT III**

**(Infringement of U.S. Patent No. 6,990,736 B2)**

18. West repeats and realleges each and every allegation of paragraphs 1 - 7 of this Complaint as though fully set forth herein.

19. West is the owner of U.S. Patent No. 6,990,736 ("the '736 patent"), entitled "Methods for Preparing Jewelry Articles Comprising Sintered Tungsten Carbide," with full rights in and to the claims and causes of action involved in this suit. A true and correct copy of the '736 patent is attached here as Exhibit C.

20. Shane Co. has been infringing the '736 patent, in this District and elsewhere in the United States, by making, using, selling, offering for sale and/or importing tungsten carbide rings covered by the '736 patent.

21. West alleges on information and belief that Shane Co.'s infringement of the '736 patent has been willful and deliberate, without license, and with full knowledge of West's patent rights.

22. Unless restrained or enjoined by this Court, Shane Co. will continue its acts of infringement, and the resulting damages to West will be substantial, continuing, and irreparable.

#### COUNT IV

##### (Infringement of U.S. Patent No. 7,032,314 B2)

23. West repeats and realleges each and every allegation of paragraphs 1 - 7 of this Complaint as though fully set forth herein.

24. West is the owner of U.S. Patent No. 7,032,314 ("the '314 patent"), entitled "Methods of Making Tungsten Carbide-Based Annular Jewelry Rings," with full rights in and to the claims and causes of action involved in this suit. A true and correct copy of the '314 patent is attached here as Exhibit D.

25. Shane Co. has been infringing the '314 patent, in this District and elsewhere in the United States, by making, using, selling, offering for sale and/or importing tungsten carbide rings covered by the '314 patent.

26. West alleges on information and belief that Shane Co.'s infringement of the '314 patent has been willful and deliberate, without license, and with full knowledge of West's patent rights.

27. Unless restrained or enjoined by this Court, Shane Co. will continue its acts of infringement, and the resulting damages to West will be substantial, continuing, and irreparable.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff West prays for judgment as follows:

1. Shane Co., its officers, directors, employees, agents, licensees, servants, successors, assigns, and any persons acting in privities or in concert with them be preliminarily and permanently restrained and enjoined from further infringement of U.S. Patent No. 7,076,972 B2, U.S. Patent No. 6,928,734 B1, U.S. Patent No. 6,990,736 B2, and U.S. Patent No. 7,032,314 B2.
2. Damages be awarded to West in an amount adequate to compensate West for Shane Co.'s infringement;
3. Damages be increased three times the amount found or assessed, due to Shane Co.'s willful infringement;
4. West be awarded his costs, expenses, and disbursements in this action, including reasonable attorney's fees;
5. West be awarded interest on the amount of damages found, including pre-judgment and post-judgment interest; and
6. West be awarded such other and further relief as the Court may find equitable, just, and proper.

### DEMAND FOR JURY TRIAL

Plaintiff West demands trial by jury of all issues that may be so tried.

DATED: July 18, 2008

Respectfully submitted,

FONFARA LAW OFFICES

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